



John R. Kasich, Governor
Mary Taylor, Lt. Governor
Scott J. Nally, Director

CERTIFIED

November 27, 2012

Kevin P. Braig, Esq.
1 Dayton Centre
1 South Main Street, Suite 1300
Dayton, OH 45402

**Re: Director's Final Findings & Orders
Tri-State Garden Supply Company, Inc.**

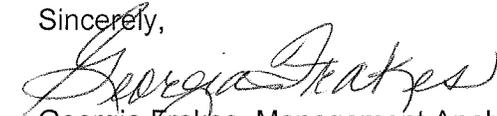
Dear Mr. Braig:

Transmitted herewith are Final Findings & Orders of the Director concerning the matter indicated.

You are hereby notified that this action of the Director of Environmental Protection (Director) is final and may be appealed to the Environmental Review Appeals Commission pursuant to Section 3745.04 of the Ohio Revised Code. The appeal must be in writing and set forth the action complained of and the grounds upon which the appeal is based. The appeal must be filed with the Commission within thirty (30) days after notice of the Director's action. The appeal must be accompanied by a filing fee of \$70.00, made payable to "Treasurer, State of Ohio." The Commission, in its discretion, may reduce the fee if by affidavit it is demonstrated that payment of the full amount of the fee would cause extreme hardship. Notice of the filing of the appeal shall be filed with the Director within three (3) days of filing with the Commission. Ohio EPA requests that a copy of the appeal be served upon the Ohio Attorney General's Office, Environmental Enforcement Section. An appeal may be filed with the Environmental Review Appeals Commission at the following address:

Environmental Review Appeals Commission
77 South High Street, 17th FL
Columbus, Ohio 43215

Sincerely,


Georgia Frakes, Management Analyst
Division of Materials & Waste Management

Enclosure: Director's Final Findings and Orders

cc: Brad Mitchell/Scott Hester, DMWM, CO
W. Samuel Wilson, Zona Clements, Legal
Mike Reiser, DMWM, NWDO
John F. Cayton, Esq., AGO
Timothy D. Hoffman, Esq.

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of : Case No. 09-SI-01-1
: :
TRI-STATE GARDEN : DIRECTOR'S FINAL
SUPPLY COMPANY, INC., : FINDINGS AND ORDER
: :
Applicant. :

OHIO E.P.A.
NOV 27 2012
ENTERED DIRECTOR'S JOURNAL

Pursuant to Chapter 3734. and sections 119.09 et seq. of the Ohio Revised Code, and the rules of the Ohio Environmental Protection Agency, the Director of Environmental Protection hereby makes the following Findings and Issues the Following Order:

FINDINGS

1. Tri-State Garden Supply Company, Inc., ("Tri-State" or "Applicant") is the owner and operator of a Class III Composting Facility ("Facility") located at U-856 State Route 66, Ridgeville Township, Henry County, Ohio.
2. Ohio Environmental Protection Agency ("Ohio EPA") administers the solid waste program and is the jurisdictional licensing authority for the licensing of the Applicant's Facility.
3. On December 8, 2008, the Director of the Ohio EPA ("Director") issued a proposed denial of the 2008 solid waste facility license application of Tri-State.
4. On January 5, 2009, the Applicant filed a request for an adjudication hearing regarding the Director's December 8, 2008 proposed denial.
5. Following the initiation of this case, the parties engaged in settlement discussions in an attempt to resolve this matter. These settlement discussions have produced an agreement between the parties.
6. On August 21, 2012, the parties filed a consent order agreed to by the parties and entered by the Henry County Court of Common Pleas in the case of *State of Ohio, ex rel. Michael DeWine, Ohio Attorney General, Case No. 07-CV-166.*

I certify this to be a true and accurate copy of the official documents as filed in the records of the Ohio Environmental Protection Agency:

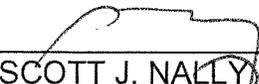
By: Zona & Clements Date: Nov. 27, 2012

7. On August 31, 2012, the Applicant filed "Notice of Tri-State Garden Supply Company Inc.'s Voluntary Dismissal of Appeal and Request for Adjudication Hearing" in this matter.
8. Because the parties have entered into a legally binding consent order entered by the Henry County Court of Common Pleas in the case of *State of Ohio, ex rel. Michael DeWine, Ohio Attorney General*, Case No. 07-CV-166, there remain no unresolved issues of law or fact requiring the convening of an adjudication hearing in this case. Therefore, Ohio EPA Case No. 09-SI-01-1 is moot and should be dismissed.
9. No adjudication hearing has been held in this matter.
10. On September 6, 2012, the Hearing Officer assigned to this case issued a Report and Recommendation recommending that the Director dismiss Ohio EPA Case No. 09-SI-01-1.
11. No objection to the Hearing Officer's recommendation has been filed.
12. The recommendation of the Hearing Officer is lawful and reasonable, and is hereby adopted.

ORDER

1. Ohio EPA Case No. 09-SI-01-1 is hereby dismissed, effective immediately.

IT IS SO ORDERED:



SCOTT J. NALLY
Director

November 27, 2012
Date